

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DAVID LYMAN SPALDING,

ID # 47371-177,

Movant,

vs.

ADMINISTRATIVE OFFICE OF THE

COURTS, et al.,

Respondents.

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No. 3:19-CV-1547-M-BH

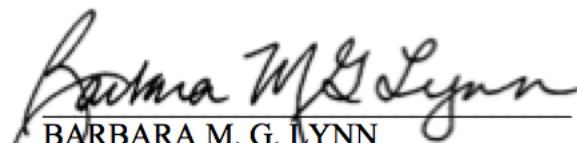
**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

By separate judgment, *A Petition for a Writ of Audita Querela – So Invoked Under the All Writs Act – 28 U.S.C. § 1651(a) – Involving the Fifth Circuit Appellate Case # 16-10289 –*, received on June 25, 2019 (doc. 2), and supplemented by the 161-page filing received on December 18, 2019 (doc. 14), will be **DISMISSED** for lack of jurisdiction.

A certificate of appealability (COA) is not required for a federal prisoner to appeal the denial or dismissal of a writ of *audita querela*. See *United States v. Cornett*, 350 F. App'x 849, 850 (5th Cir. 2009) (per curiam). If the movant files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

SIGNED this 12th day of November, 2021.


BARBARA M. G. LYNN
CHIEF JUDGE